

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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THOMAS MUSTAFFA,	:	Civil Action No. 09-3296 (GEB)
	:	
Petitioner,	:	
	:	
v.	:	
	:	<b><u>ORDER</u></b>
MICHELLE RICCI, et al.,	:	
	:	
Respondents.	:	

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An amended petition for Writ of Habeas Corpus having been filed in the above action, pursuant to 28 U.S.C. § 2254, see Docket Entry No. 9, and

IT IS on this 27th day of October, 2010,

ORDERED that the Clerk shall reopen this matter by making a new and separate entry on the docket reading "CIVIL CASE REOPENED": and it is further

ORDERED that the Clerk of the Court shall serve copies of the amended petition, Docket Entry No. 9, and this Order upon Respondents by certified mail, return receipt requested; and it is further

ORDERED that Respondents shall electronically file a full and complete answer to said amended petition within 45 days of the entry of this Order, see Ukawabutu v. Morton, 997 F. Supp. 605 (D.N.J. 1998); and it is further

ORDERED that Respondents' answer shall address the allegations of the amended petition by each paragraph and

subparagraph, and shall adhere to the requirements of 28 U.S.C. § 2254 Rule 5; and it is further

ORDERED that all affirmative defenses, such as timeliness and exhaustion, shall be raised; and it is further

ORDERED that the answer shall address the merits of each claim raised in the amended petition, see 28 U.S.C. § 2254(b)(2); and it is further

ORDERED that the answer shall indicate what transcripts (of pretrial, trial, sentencing, or post-conviction proceedings) are available, when they can be furnished, and what proceedings have been recorded but not transcribed; and it is further

ORDERED that Respondents shall attach to the answer parts of the transcript that the Respondent considers relevant and, if a transcript cannot be obtained, Respondent may submit a narrative summary of the evidence, see 28 U.S.C. § 2254 Rule 5(c); and it is further

ORDERED that Respondents shall file with the answer a copy of: (1) any brief that Petitioner submitted in an appellate court contesting the conviction or sentence, or contesting an adverse judgment or order in a post-conviction proceeding; (2) any brief that the prosecution submitted in an appellate court relating to the conviction or sentence; and (3) the opinions and dispositive orders relating to the conviction or the sentence, see 28 U.S.C. § 2254 Rule 5(d). In alternative, if any or all of these

documents were filed by Petitioner together with his amended petition, Respondents may but not must elect to refer to the filings made by the Petitioner; and it is further

ORDERED that Respondents shall file the answer, the exhibits and the list of exhibits electronically; and it is further

ORDERED that the answer shall contain an index of exhibits clearly correlating such exhibits to the docket entry numbers resulting from docketing of such exhibits electronically, regardless of whether this docketing of exhibits was or is performed by Petitioner or by Respondents; and it is further

ORDERED that Petitioner may, if he so desires, file and serve a reply to the answer within 45 days of Petitioner's being served with the same, see 28 U.S.C. § 2254 Rule 5(e), and if such reply is not timely filed, Petitioner's opportunity to reply will be deemed waived; and it is further

ORDERED that, within 7 days of Petitioner's release, be it on parole or otherwise, Respondents shall electronically file a written notice of the same with the Clerk; and it is finally

ORDERED that the Clerk shall serve this Order on Petitioner by means of electronic delivery.

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s/ Garrett E. Brown, Jr.  
**Garrett E. Brown, Jr.**  
**Chief Judge**  
**United States District Court**